

REMARKS

The undersigned Attorney for Applicants wishes to thank Examiner Delacroix-Muirheid for the personal interview conducted on January 21, 2004. In light of the discussion at that interview, Applicants provide the following remarks.

Claims 1-9, 11-20, 22-25, 27-39, 41-46, 48, 49 and 51-64 are pending in the application. Claims 31-39, 41-44, 56 and 57 are allowed. Claims 1-9, 11-20, 22-25, 27-30, 45, 46, 48, 49, 51-55 and 58-64 stand rejected.

Claims 1-9, 11-14 and 61-62 stand rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the written description requirement. Applicants disagree with this rejection, but in the interests of expediting prosecution are amending the application by canceling claims 1-15 and 61 and 62.

Claims 1-9, 11-14, 15-20, 22-25, 29, 30, 61 and 62 stand rejected under 35 U.S.C. § 112 first paragraph for failure to be supported by an enabling disclosure. Applicants disagree with this rejection, but in the interests of expediting prosecution are amending the application by canceling claims 1-14 and 61 and 62, and by amending claims 16, 19, 31, 34, 45, 48, 52, 54, 56, 58 and 63 to delete the phrase "and/or preventing."

Claims 1-9, 11-18, 24-25, 27-28, 45-46, 48, 49, 51-55 and 58-64 stand rejected under the judicially created doctrine of obviousness-type double patenting as

being unpatentable over claims 1-17 of commonly owned U.S. Patent No. 6,432,972. Applicants are enclosing herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) with respect to U.S. Patent No. 6,432,972. In so doing, Applicants do not concede that the claims 1-9, 11-18, 24-25, 27-28, 45-46, 48, 49, 51-55 and 58-64 are obvious in view of U.S. Patent No. 6,432,972.

Claims 31, 34, 45, 48, 52, 56 and 63 have been amended to encompass treating the symptoms of chronic idiopathic urticaria.

Claims 54 and 58 have been amended to encompass treating the symptoms of seasonal and perennial allergic rhinitis.

Claims 16, 45, 54, 58, 60 and 63 have been amended to correct obvious typographical errors.

Basis for the amendments to the above-listed claims is found in the specification, for example, on page 4, line 11 to page 5, line 13, page 8, lines 12-18, page 9, lines 8-16, and on page 11, lines 7-12.

Applicants are adding new claims 65-68 to encompass preferred embodiments of their invention.

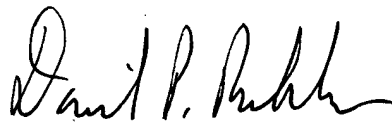
Applicants submit that the Examiner's rejections have been overcome, and request reconsideration and withdrawal of the grounds of rejection. Applicants

further submit that the pending claims after entry of this amendment are in condition for allowance.

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If the undersigned attorney for Applicants can be of any assistance in advancing the prosecution of the application, please call him directly at 202-662-5183.

Respectfully submitted,

By 

David P. Ruschke

Registration No.: 40,151
COVINGTON & BURLING
1201 Pennsylvania Ave., N.W.
Washington, DC 20004-2401
(202) 662-6000
Attorneys for Applicants

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